IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12/09/2002

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THE HON'BLE MR.JUSTICE P.D. DINAKARAN

Writ Petition No.35262 of 2002

K. Kandan .. Petitioner

-Vs-

The Asst. Director of Fisheries
(Serri Culture)
Chidambaram. .. Respondent

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus as stated therein.

For Petitioner : Mr.K. Chandrasekaran

For Respondent : .....

:O R D E R

Alleging that the petitioner has submitted his offer to the tender notice calling for the fishery right in Perumal Eari in Kullanchavadi Village, Kurunjipadi Panchayat Union, Cuddalore District, for a period of three years, viz. 2002/2003, 2003/2004 & 2004/2005, fasli year 1 412/1413, 1413/1414 & 1414/1415), from the date of handing over the possession and after his offer for a sum of Rs.50,315/- per year, the respondent refused to confirm the bid offered by the petitioner informing that the auction itself would be for one year, but not for three years, as notified by them earlier, the petitioner seeks a writ of Mandamus directing the respondent to grant the fishery right for a period of three years from the date of handing over of possession of Perumal Eari in Kullanchavadi Village, Kurunjipadi Panchayat Union, Cuddalore District, for the amount of Rs.50,315/-.

2. It is well settled in law that the tender is only an offer, reserving unconditional powers to decide with regard to the acceptance or confirmation of the tender. It is also well settled that the Government is entitled to change its policy from time to time, according to the demands and situation and in the public interest. Such a change, subsequent to the auction, but before its confirmation, may be a sufficient justification for

the refusal to accept even the highest bid, as held by the Apex Court in STATE OF U.P. v. VIJAY BAHADUR SINGH reported in 1982 (2) SCC 365.

3. If that be so, in my considered opinion, the petitioner is not entitled to challenge such powers of the respondent to refuse to accept the bid offered by the petitioner, even assuming the bid offered is highest, on the ground of arbitrary, attracting Article 14 of the Constitution of India, as the respondent is empowered to take appropriate decision in the matter of fishing rights, particularly when it relates to augmentation of public revenue.

The writ petition is dismissed. No costs. Consequently, WPMP No.52 517 of 2002 is also dismissed.

Index : Yes 12.9.2002.
Internet : Yes

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To

The Asst. Director of Fisheries
(Serri Culture)
Chidambaram.